

REMARKS

The Applicant respectfully requests that Examiner confirm that this Application is associated with the undersigned firm. The Office Action of May 16, 2005 was unintentionally identified with a different law firm.

Applicant previously cancelled claims 1-11 without prejudice or disclaimer. New claims 20-33 have been added. Claims 12 through 33 are currently pending. Reconsideration of the pending claims in view of the foregoing amendments and following remarks is respectfully requested.

REJECTIONS 35 U.S.C. § 102(b)

The Office Action stated that claims 12-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 2,626,129 issued to Lawrence R. Obert (hereinafter "Obert"). Claim 12 features a method of spreading water in an evaporative cooler. The method involves feeding a water stream to a water spreader arrangement where the water stream is divided into a pair of partial streams by flowing the water stream over a first substantially vertical projection at a first level to divide the stream into partial streams having a predetermined ratio of flow rates as the stream impinges on the first projection. Further, each of the two partial streams is divided into two further streams by flowing each partial stream over an associated one of a pair of further projections at a second level below the first.

The Obert reference neither teaches nor suggests the features of claim 12. Further, "[a] claim is anticipated only if each and every element as set forth in the claim is found." *Vedegaal*

Bros. v. Union Oil Co., 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Specifically, Obert fails to teach, *inter alia*, feeding a water stream to a water spreader arrangement where the water stream is divided into a pair of partial streams by flowing the water stream over a first substantially vertical projection at a first level to divide the stream into partial streams having a predetermined ratio. In contrast, Obert teaches a removable distributor grating 29 comprising a plurality of longitudinal slats 30 that are held in place by a reinforcing bar 32 having slots 33, which is confined by walls 25 and plates 23 making up a trough, as depicted in figure 4. The water randomly enters the trough from the discharge slot and freely moves throughout the trough through the slots 33. Unknown amounts of water flow from each side of the reinforcement bar and unknown portions flow through the slats 30 *without any division into a pair of partial streams, without flowing over a substantially vertical projection for division, and without any streams having a predetermined ratio*. Once in the trough, the water resides on the top horizontal surface of the slats 30 and remains unbiased as to which slat to follow and without division, as such, an unknown amount of water randomly passes through any one, or a number of slats 30 at random.

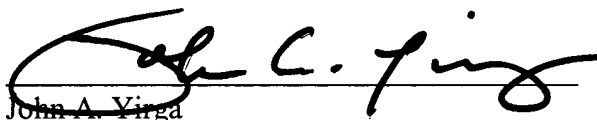
Obert simply does not teach dividing a stream in a predetermined manner. In view of the foregoing, claim 12 is not anticipated by Obert. Withdrawal of the rejection is respectfully requested. Further, claims 13-19 depend from claim 12 and are patentable over Obert for the same reasons as claim 12 and in view of their additional features. Withdrawal of the rejection to these claims is respectfully requested.

New claims 20-33 have been added and are believed to be patentable over the cited reference. Allowance of claims 20-33 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims in this Application are patentably distinct from the cited reference and are in condition for allowance. Prompt notice to that effect is respectfully requested. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 23-0630 for additional fees required under 37 C.F.R. §§ 1.16, 1.17; particularly extension of time fees.

Respectfully submitted,



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